



Alan C. Lloyd, Ph.D.
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 7725

March 30, 2006

Mr. Jim Blamey, Program Manager
Santa Clara County Environmental Health
1555 Berger Drive, Suite 300
San Jose, California 95112

Dear Mr. Blamey:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and Department of Toxic Substances Control conducted a program evaluation of Santa Clara County Environmental Health's Certified Unified Program Agency (CUPA) on September 27th and 28th, 2005. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Santa Clara County Environmental Health's program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosures
cc: See next page

Jim Blamey
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cc: Mr. Jim Blamey, Program Manager (Sent Via Email)
Santa Clara County Environmental Health
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Mark Pear (Sent Via Email)
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Brian Abeel (Sent Via Email)
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Mr. Charles McLaughlin (Sent Via Email)
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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY



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**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION
SUMMARY OF FINDINGS**

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CUPA: Santa Clara County Environmental Health

Evaluation Date: September 27th & 28th, 2005

EVALUATION TEAM

Cal/EPA: Dennis Karidis
DTSC: Mark Pear
OES: Brian Abeel

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management.

Questions or comments can be directed to Dennis Karidis at 916-327-9558.

	<u>Deficiencies</u>	<u>Preliminary Corrective Action</u>	<u>Timeframe</u>
1	<p>The CUPA is not inspecting all Hazardous Waste Generators in their jurisdiction in accordance with their stated inspection frequency (Every 3 years). For example, the annual summary reports state:</p> <ul style="list-style-type: none">• 941 of 3580 hazardous waste generators inspections were completed in 2003/2004.• 741 of 3328 hazardous waste generators inspections were completed in 2002/2003.• 975 of 3283 hazardous waste generators inspections were completed in 2001/2002.	<p>Two inspector positions have been vacant for some time. The two positions have been filled. However, two of the inspectors are now on medical disability. It is anticipated that the 3 year frequency will be met upon their return.</p>	1 year

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

CUPA Representative

Jim BLaney
(Print Name)

Jim Blaney
(Signature)

Evaluation Team Leader

Dennis Karidis
(Print Name)

Dennis Karidis
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA does not document consent to conduct inspections, take samples and photographs.

Recommendation: The CUPA should document consent to conduct inspections, take samples and photographs. In addition, document the name and title of the individual who has authority to grant consent. Receiving consent establishes a solid legal foundation supporting the inspector's right to conduct the inspection.

2. **Observation:** The CUPA does not clearly identify on its checklist or inspection report whether violations found are minor, class II, or class I. When a serious violation is found the CUPA places a M (meaning major) next to the violation in the inspection report. There is no indication as to what the M means on the inspection report.

Recommendation: Add clarifying language or abbreviations to the inspections checklist/report to allow for classification of each violation noted.

3. **Observation:** The CUPA was not able to demonstrate that all complaints which were referred by DTSC were investigated. Follow-up documentation could not be found for complaint numbers 04-0904-0553, 04-0504-0305, 04-0404-0253, 05-0305-0160, and 05-0705-0348.

Recommendation: Ensure that complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to slaney@dtsc.ca.gov or dstuck@dtsc.ca.gov (complaint coordinators). Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that all investigations be documented, either by inspection report or by a note to the file. Please notify the complaint coordinator of the disposition of all complaints.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The County of Santa Clara CUPA participates in the Santa Clara County Fire Chief's Association Hazardous Materials Subcommittee composed of the Fire Departments, County Environmental Health, Santa Clara Valley Water District, District Attorney's Office, Business and Environmental Assistance Center, and local Water Pollution Control Plant industrial waste programs which meet every two to three weeks.
2. The Santa Clara County Fire Chief's Association provides training on a monthly basis to all of its members. Trainings are facilitated by member agencies, outside agencies, private industry, ect. When there is no specific training session planned, the group holds a roundtable discussion.
3. Protocols have being developed for audits of the Participating Agencies including review of Data Management, Permitting, Inspection and Enforcement Standards, and Training. The CUPA has conducted some of the audits already.
4. The CUPA offers training to its regulated community every three months. Some of the trainings include: Hazardous Materials/Waste at Drycleaners & Hazardous Waste Management Classes. The CUPA also designates an inspector to answer phone calls from the regulated community each day in order answer any questions.
5. The CUPA has a tremendous wealth of information available to the public on its website. A majority of the information available on the website are forms and fact sheets which are linked to the Unidocs website. This ensures that Unidocs members are distributing consistent information to the public.
6. The CUPA has a number of information pamphlets available to the public on various issues such as California Hazardous Material Spill/Release Notification Guidance, Injury/Illness & Pollution Prevention in Auto Repair, Dry Floor Cleanups, Storm Drains, Electronic Waste, Underground Storage Tank Cleanup Fund, Aboveground Petroleum Storage Tank Program, Hazardous Waste Recycling & Disposal, etc.
7. The regulated community can submit Business Plan information electronically via the Unidocs website/database. The Unidocs database allows emergency responders 24 hours access to hazardous materials inventories and other Business Plan information.
8. The CUPA has settled the following cases recently:
 - Vacuum Plating Tech (2004) – Civil penalties (\$3,000) – Illegal Disposal
 - Benjamins's Cleaners (2004) – Felony & 5 Misdemeanors (\$21,250) – Illegal Disposal
 - Hewlett Packard Corp. (2005) – AEO (\$7,679) – Illegal Transportation & Training
 - De Anza/Foothill College (2005) – Civil Penalties (\$100,477) – 230 HW violations